IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

CRP.No. 436 of 2004(B)

LB.445/1973 of TALUK LAND BOARD, PALAKKAD
.....

PETITIONER:

JOHNY J.PUTHIYEDAM, PONUMATTOM,
LALAM VILLAGE, ANTHINAD, MEENACHIL

BY ADV. SRI.K.RAMESH

RESPONDENTS:
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1. THE TALUK LAND BOARD, REPRESENTED
BY ITS CHAIRMAN, PALAKKAD.

2. THE TAHSILDAR, PALAKKAD.

3. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT, TRIVANDRUM.

4. SMT. MARIAMMA, W/O. K.C.JOHN,
PUTHIYEDAM, ANTHIKAD.

5. SRI.ABRAHAM J.PUTHIYEDAM, ANTHIKAD P.O.,
PALAI.

6. SRI.THOMAS J.PUTHIYEDAM,
S/O.K.C.JOHN, PUTHIYEDAM HOUSE,
KALLEKULANGARA, PALAKKAD.

7. SRI.CHERIYAN J.PUTHIYEDAM,
S/O. K.C.JOHN, ARCHANA, VALLIKAVU ROAD,
MUVATTUPUZHA.

8. SMT.CELINE MATHEW, D/O. K.C.JOHN,
NANTHANKODE, THIRUVANANTHAPURAM.

GOVT.PLEADER SRI. SHYSON D MANGUZHA
SRI. SAIGI JOSEPH PALATTY FOR RESPONDENTS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.R.P. NO. 436 OF 2004

Dated this the 21st day of August, 2007

ORDER

In this civil revision petition filed under Section 103 of the Kerala Land Reforms Act, the son and legal representative of the declarant Sri. Punnen John @ K.C. John, Puthiyedam challenges the order dated 27.11.03 in TLB 445/1973. Under the said impugned order, the declarent has been directed to surrender a total extent of 10.01 acres of land allegedly held in excess of ceiling area.

2. I have heard the submissions of K.Ramesh, learned counsel for the revision petitioner, and Sri. Shyson D. Manguzha, the learned Government Pleader and Sri. Saiji Joseph Palatty, learned counsel for the respondents.

3. Learned counsel for the petitioner submits that the Taluk land Board was not justified in not granting exemption for the entire area claimed by the petitioner to be a rubber plantation though evidence in that regard was submitted. Counsel also submitted that the Taluk land Board was not justified in treating 21.27 and a half cents of land as vested forest. Learned Government Pleader would resist the submissions of learned counsel for the petitioner. Learned counsel for the petitioner placed before me judgments of this Court in CRP Nos. 36/2001 (C) and 88/2001 (C). It is

seen that under these two judgments, this court has directed reconsideration of certain claims in respect of the properties ordered to be surrendered under the impugned order in the light of Section 7 E of Act 21 of 2006.

4. I am of the view that in view of the above judgments, the order impugned in this revision petition also is liable to be set aside. I set aside the same and remand the matter back to the Taluk land Board. The implications and applicability of newly introduced Section 7E of Act 21 conferring the status of deemed tenants of certain persons in possession will be taken into account by the Taluk land Board while taking a fresh decision. Petitioner's claim that a further extent of 5 acres is also liable to be exempted being a rubber plantation prior to 1.4.64 and that he has rubber board registration certificate covering that area will also be considered by the Taluk land Board while taking a fresh decision. Fresh decision as directed above will be taken at the earliest and at any rate, within six months of receiving a copy of this order.

The civil revision petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

vps